



PATENT

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 6, 2003.

Robert Fiore

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/077,493	Confirmation No.:	5275
Applicant	: Zonqin Xia et al.		
Filed	: February 15, 2002		
Art Unit	: 1623		
Examiner	: Elli Peselev		
Title	: STEROIDAL SAPOGENINS AND THEIR DERIVATIVES FOR TREATING ALZHEIMER'S DISEASE		
Docket No.:	: HASEL-65749	October 6, 2003	
Customer No.	: 24201	Los Angeles, California	

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION
37 C.F.R. 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The petitioner, Phytopharm PLC, is the owner of 100 percent interest in the instant application, Serial No. 10/077,493, filed January February 15, 2002, which is a continuation of Serial No.: 09/647,110. To the best of petitioner's knowledge and belief, title in the instant application is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by

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any terminal disclaimer, of prior Patent No. 6,258,386, which is also owned by petitioner.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior Patent No. 6,258,386 are commonly owned.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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